

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	Case no. 3:18-cr-00200
vs.	)	Honorable William L. Campbell, Jr.
	)	United States District Judge
LUIS COLINDRES,	)	
Defendant.	)	

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**DEFENDANT’S MOTION FOR LEAVE TO FILE DOCUMENT  
EX PARTE AND UNDER SEAL**

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Defendant, Luis Colindres, through his attorneys, moves the Court for leave to file his motion and incorporated memorandum *ex parte* and under seal. The *ex parte* motion and incorporated memorandum will be filed immediately after this Motion. The Administrative Practice and Procedures for Electronic Case Filing adopted by this Court in Administrative Order no. 167-1, § 5.07 requires a party seeking to file documents under seal to electronically move for leave of the Court to do so, via the Court’s electronic filing system.

Local Rule 5.03(a) requires a party requesting a document be sealed to demonstrate compelling reasons to seal the document. The motion and incorporated memorandum are properly sealed for reasons stated in the motion and memorandum, with counsel specifically describing the “compelling reasons to seal the documents” and the reason that sealing is the most “narrowly tailored remedy.” Counsel avers the contemporaneously filed pleadings and the requested relief should remain under seal because “the public’s right of access is outweighed by the competing interests.” *See, e.g., In re. Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1986) (“sensitive information” may be protected from disclosure “where a compelling interest is shown and the denial of access is narrowly tailored to serve that interest”).

Local Rule 5.03(c) provides motions to seal “must include an affirmative statement” why filing a redacted version is impractical. The *ex parte* motion cannot be redacted and still explain the necessity of relief requested in the pleading. Redaction would remove the necessary information to justify the relief requested.

The Defendant, Luis Colindres, therefore respectfully moves this Court for leave to file said pleading *ex parte* and under seal.

Respectfully submitted,

**WEATHERLY, MCNALLY & DIXON, PLC**

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*Attorneys for Luis Colindres*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Leave to File Document *Ex Parte* and Under Seal has been electronically filed with the clerk of the Court by using the CM/ECF system, which will send a Notice of Electronic Filing to Mr. Ahmed A. Safeeullah, Assistant U.S. Attorney, 110 9<sup>th</sup> Ave, South, Suite A-961, Nashville, TN 37203, and Mr. Luke Evans, counsel for Oscar Delgado Flores, 302 N. Spring Street, Murfreesboro, TN 37130, on this the 17<sup>th</sup> day of November, 2020.

s/Patrick T. McNally  
PATRICK T. MCNALLY